

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6584**

**BILL NUMBER:** HB 1204

**NOTE PREPARED:** Jan 28, 2014

**BILL AMENDED:** Jan 28, 2014

**SUBJECT:** Various education and school matters.

**FIRST AUTHOR:** Rep. Huston

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

*Mental Health Information:* The bill provides that if the parent, guardian, or court appointed special guardian of a child enrolled in a school requests a health care provider to disclose certain mental health information to the child's school, the health care provider shall provide the child's school the information.

*School Attendance:* The bill prohibits a superintendent or school leader from excusing or excluding a student who was found to be mentally or physically unfit for school attendance if a physician, psychologist, or psychiatrist certifies that the student is fit for school attendance.

*Witness Fee:* The bill provides that the witness fee for an employee of a school district is \$100.

*Civil Immunity:* The bill provides civil immunity for a school, school employee, or school board for civil damages that are the result of: (1) an injury to a child or family members of a child if the injury is the result of a student's mental health issue that has not been disclosed to the school by the student's parent or guardian; or (2) referrals the school made or services the school offered concerning evaluations or treatment of the student's health.

**Effective Date:** July 1, 2014.

**Explanation of State Expenditures:** *School Attendance - State Board: See Explanation of Local Expenditures.*

**Explanation of State Revenues:**

**Explanation of Local Expenditures: Summary:**

(Revised) *a. Mental Health Information:* Under the bill, there would be no fiscal impact on schools. The health care provider must provide the child's school principal or school leader with the requested information without charge.

(Revised) *b. School Attendance:* The impact would depend on if the State Board of Education would have reached the same conclusion as the physician, psychologist or psychiatrist on whether the student is fit to attend school.

Under current law, a superintendent, with the approval of the State Board, may exclude or excuse a student found mentally or physically unfit for school attendance. The superintendent's action must be in accordance with limitations and regulations established by the State Board concerning the procedures and requirements for the complete examination of students.

This bill replaces State Board approval with that of a physician, psychologist, or psychiatrist. If one of these individuals certifies that the student in question is fit to attend school, the superintendent or school leader is prohibited from excusing or excluding the student. An exclusion shall not violate the student's right to a free and appropriate public education under federal law.

(Revised) *c. Witness Fee:* Under this bill, the witness fee for an employee of a school district is increased from \$5 or \$15, as applicable under current law, to \$100. This may reduce the number of subpoenas for school employees.

*d. Civil Immunity:* This provision could reduce the number of lawsuits filed against school employees, schools, and school boards thereby reducing the possible cost of litigation for these entities.

**Explanation of Local Revenues:**

**State Agencies Affected:** State Board of Education.

**Local Agencies Affected:** Schools; School Corporations; School Boards.

**Information Sources:**

**Fiscal Analyst:** David Lusan, 317-232-9592.